

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 7997**

**BILL NUMBER:** SB 448

**DATE PREPARED:** Jan 16, 2001

**BILL AMENDED:**

**SUBJECT:** Address Confidentiality Program.

**FISCAL ANALYST:** John Parkey

**PHONE NUMBER:** 232-9854

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State

**Summary of Legislation:** This bill establishes an address confidentiality program in the Office of the Attorney General. The bill makes the program available to individuals (including minors and incapacitated persons represented by a parent or guardian) who are victims of domestic violence and wish to keep their addresses confidential from their abusers. The bill prescribes guidelines for the administration of the program. The bill provides that an address designated by the Office of the Attorney General serves as the individual's address for purposes of: (1) service of process; and (2) receipt of mail. The bill enables the individual to vote without making the individual's address available to the public. The bill requires the address of the individual who participates in the program to remain confidential except under certain circumstances. The bill makes it a Class B misdemeanor for an individual to provide false or incorrect information on a program application. The bill requires the Office of the Attorney General to designate certain agencies that provide services to victims of domestic violence to assist an individual who applies to the program.

**Effective Date:** July 1, 2001.

**Explanation of State Expenditures:** This bill requires the Office of the Attorney General to establish an Address Confidentiality Program (ACP) for individuals who are victims of domestic violence and want to keep their addresses confidential from their abusers.

Currently, at least seven states have address confidentiality programs for victims of domestic violence: California, Florida, Massachusetts, Nevada, New Jersey, Vermont, and Washington. The program is administered by the Secretary of State's Office in California, Nevada, Vermont, and Washington, the Attorney General's Office in Florida and Massachusetts, and the New Jersey Division on Women in New Jersey.

The nation's oldest ACP program began in 1991 in Washington. Participation in Washington's program is

voluntary. The program's manager works closely with community-based service providers, domestic violence counselors, the prosecutor's office, and domestic violence shelters, to help to determine whether the program may be appropriate for a particular domestic violence victim. The individual is referred to the Secretary of State's Office where a statement is signed verifying that the person is a victim of domestic violence. Washington state reports that very little face-to-face contact with participants is necessary to administer the program effectively.

The Washington state program serves approximately 1,000 people and has an annual operating budget of approximately \$190,000. Washington state administers the program at an off-site secret location. The yearly budget includes funding for three full-time employees: a program manager, an administrative assistant, and a mail processor.

It is not known how many people would register for such a program in Indiana. The funds and resources required for the Office of the Attorney General to administer the program could be supplied through a variety of sources, including the following: (1) Existing staff and resources not currently being used to capacity; (2) Existing staff and resources currently being used in another program; (3) Authorized, but vacant, staff positions, including those positions that would need to be reclassified; (4) Funds that, otherwise, would be reverted; or (5) New appropriations. As of 1/04/2001, there were 34 vacancies within at the Office of the Attorney General. The Office reverted \$499,566 in FY 2000. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions. No appropriation is provided for this program.

**Explanation of State Revenues:** *Penalty Provision:* This proposal makes it a Class B misdemeanor for an individual to provide false or incorrect information on a program application. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the State General Fund could increase. The maximum fine for a Class B misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, county or municipal court (courts of record), 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the State General Fund.

**Explanation of Local Expenditures:** *Penalty Provision:* A Class B Misdemeanor is punishable by up to 180 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** *Penalty Provision:* If additional court actions occur, the local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed, and if collected would be deposited into the County Law Enforcement Continuing Education Fund.

**State Agencies Affected:** Office of the Attorney General

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Sharon Rolman, Program Manager, Address Confidentiality Program, Office of the Secretary of State, Washington State, (360) 753-2972; State Personnel Report, 1/04/2001.